

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 031215PC/GC/RG	FOR FURTHER ACTION		See Form PCT/IPEA/416
International application No. PCT/AU2004/001659	International filing date (<i>day/month/year</i>) 26 November 2004	Priority date (<i>day/month/year</i>) 26 November 2003	
International Patent Classification (IPC) or national classification and IPC Int. Cl. ⁷ A61H 23/00; A61H 39/04; A61H 39/00			
Applicant ATQOL PTY LTD et al			

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.

2. This REPORT consists of a total of 3 sheets, including this cover sheet.

3. This report is also accompanied by ANNEXES, comprising:

a. ☒ (*sent to the applicant and to the International Bureau*) a total of 1 sheets, as follows:


☐ sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions).

☐ sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box.

b. ☐ (*sent to the International Bureau only*) a total of (indicate type and number of electronic carrier(s)) , containing a sequence listing and/or table related thereto, in computer readable form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).

4. This report contains indications relating to the following items:

<input checked="" type="checkbox"/>	Box No. I	Basis of the report
<input type="checkbox"/>	Box No. II	Priority
<input type="checkbox"/>	Box No. III	Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
<input type="checkbox"/>	Box No. IV	Lack of unity of invention
<input checked="" type="checkbox"/>	Box No. V	Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
<input type="checkbox"/>	Box No. VI	Certain documents cited
<input type="checkbox"/>	Box No. VII	Certain defects in the international application
<input type="checkbox"/>	Box No. VIII	Certain observations on the international application

Date of submission of the demand 21 June 2005	Date of completion of the report 17 October 2005
Name and mailing address of the IPEA/AU AUSTRALIAN PATENT OFFICE PO BOX 200, WODEN ACT 2606, AUSTRALIA E-mail address: pct@ipaustalia.gov.au Facsimile No. (02) 6285 3929	Authorized Officer  KAREN VIOLANTE Telephone No. (02) 6282 7022

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001659

Box No. I Basis of the report

1. With regard to the language, this report is based on the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ This report is based on translations from the original language into the following language which is the language of a translation furnished for the purposes of:

☐ international search (under Rules 12.3 and 23.1 (b))

☐ publication of the international application (under Rule 12.4)

☐ international preliminary examination (under Rules 55.2 and/or 55.3)

2. With regard to the elements of the international application, this report is based on (*replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report*):

☐ the international application as originally filed/furnished

☒ the description:

pages 1-5 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☒ the claims:

pages as originally filed/furnished

pages* as amended (together with any statement) under Article 19

pages* 6 received by this Authority on 21 June 2005 with the letter of 21 June 2005

pages* received by this Authority on with the letter of

☒ the drawings:

pages 1/1 as originally filed/furnished

pages* received by this Authority on with the letter of

pages* received by this Authority on with the letter of

☐ a sequence listing and/or any related table(s) - see Supplemental Box Relating to Sequence Listing.

3. ☐ The amendments have resulted in the cancellation of:

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

☐ the description, pages

☐ the claims, Nos.

☐ the drawings, sheets/figs

☐ the sequence listing (*specify*):

☐ any table(s) related to the sequence listing (*specify*):

* If item 4 applies, some or all of those sheets may be marked "superseded."

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/AU2004/001659

Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims 1-10	YES
	Claims	NO
Inventive step (IS)	Claims 1-10	YES
	Claims	NO
Industrial applicability (IA)	Claims 1-10	YES
	Claims	NO

2. Citations and explanations (Rule 70.7)

NOVELTY Claims 1-10:

The invention defined in claims 1-10 is novel, as none of the cited prior art discloses a therapeutic mask comprising a mask body; means for attaching and securing the body to cover at least a portion of a person's face, and a plurality of passive pressure points extending from an undersurface of the mask body, said pressure points being adapted or adjustable to coincide with known acupressure points of the human face as presently defined.

INVENTIVE STEP Claims 1-10:

The subject matter of these claims is not rendered obvious in view of the teachings of any prior art documents taken in combination or in combination with common general knowledge.

INDUSTRIAL APPLICABILITY:

All claims have industrial applicability.

Claims:

1. A therapeutic beauty mask comprising
 - (a) a mask body,
 - (b) means for attaching and securing the body to cover at least a
5 portion of a person's face,
 - (c) a plurality of passive pressure points extending from an undersurface of the mask body, said pressure points being adapted or adjustable to coincide with known acupressure points of the human face.
2. A mask as claimed in claim 1 wherein the mask covers eye and nose
10 regions of the person's face.
3. A mask as claimed in claim 1 wherein the mask body is moulded.
4. A mask according to claim 1 wherein the pressure points include a hemispherical or curved outer surface to contact the face when the mask is in position.
5. A mask as claimed in claim 4 wherein the mask body is provided with
15 a plurality of groups of apertures, each group located in the mask at a location corresponding to local acupressure areas of the face, such that when in position, the groups of apertures in the mask overlies local acupressure areas of the face.
6. A mask as claimed in claim 5 wherein the pressure points include a mounting portion extending from the rear of the hemispherical or curved outer surface
20 to facilitate mounting of the knobs on the mask
7. A mask as claimed in claim 1 wherein the body is moulded in a resilient material.
8. A mask according to claim 1 wherein the pressure points are removably attachable to the mask.
- 25 9. A mask as claimed in claim 1 wherein the body is moulded with eye apertures and has a shaped nose portion.
10. A mask as claimed in any one of claims 1 to 5 wherein the pressure points are in clusters coinciding with selected positions on the forehead and cheek bones of the human face.



CULLEN & CO.

— Patent & Trade Mark Attorneys —

10/580820
IAP9 Rec'd PCT/PTO 26 MAY 2005

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21 June 2005

The Commissioner of Patents
Woden, A.C.T. 2606

Dear Commissioner,

Re: International Patent Application No. PCT/AU2004/001659
Title: Therapeutic Facial Mask
Applicant: ATQOL PTY Ltd
Our Ref: 031215PC/GC/RG

We refer to the above application and advise that the applicant has changed address to:

8/8 Fortitude Crescent,
Burleigh Heads, Queensland, 4220, Australia

We enclose a Demand for International Preliminary Examination, with the current address indicated thereon, together with the prescribed fees of \$768.00.

We also wish to make amendments to the claims to clarify the differences between the present invention and the devices of the citations raised by the Examiner in the International Search Report and Written Opinion dated 1 February 2005. We enclose replacement page 6, together with a marked-up copy thereof showing the amendments made.

With regard to the novelty rejection, the Examiner cites a number of documents, all of which teach devices having projections thereon and which have a therapeutic benefit, but all of which include active pressure points which rely on actions such as electrical, vibratory, infra-red or magnetic stimulation, in addition to the passive application of pressure to the facial area. The prior art and the additional actions taught in each document may be summarised as follows:

Citation	Additional Stimulation
WO 1996/000108	Galvanic (See Abstract)
GB 2244432	Low Frequency Electricity (See Abstract)
US 4574787	Vibration (See Abstract)
JP 2001000503	Vibration (See Novelty Portion-Abstract)
JP 11056898	Infra-Red Radiation (See Detailed Desc)
CN 1089514	Magnetic (See Abstract)
WO 2004/004625	Active element either vibrating or electrical (See Abstract)

The claims of the present application have been limited to the pressure points being passive; that is, providing no other stimulation apart from stimulation due to pressure. We submit that the invention defined in claim 1 is novel in the light of the citations raised by the Examiner.

With regard to the Examiner's contention that the invention in claims 1 to 10 lack an inventive step in the light of US 6458146 on the basis that "adapting this device to become a mask can easily be done without it involving an inventive step", we note that at column 2, lines 58 to 64 of the citation, the inventor of that device states that the problem to which the citation is directed towards solving is "What is needed is a device that is relatively inexpensive, which can be applied by the user without need to involve an expert in acupressure in the process. Each device should be keyed to a particular anatomical surface shape that is readily identifiable to the user, thus providing easy accurate placement of the acupressure device."

Further, the invention of the citation according to claim 1 includes "a base sheet having a margin, wherein the margin has at least a portion shaped as an orienting margin which corresponds to a shape on or adjacent to the selected skin surface portion; at least one protrusion on the base sheet,...wherein said orienting margin positions one or more of said protrusions to one or more therapy points on said body."

The specification goes on to state at column 3, lines 54 to 62 that "An object of the present invention is to provide a device that may be applied by any user without any need for formal training in acupressure treatment or anatomy. This is accomplished by the device having an orienting margin, an orienting protrusion, an orienting constellation, or an orienting template which facilitates effective alignment and contact between the device and selected acupressure points."

It is clear from the above passages that the device in US 6458146 is designed to position the protrusions over selected acupressure points without adjusting the position of the protrusions with respect to the template or else the object of the invention would not be met. As this is the case, the protrusions are not adjustable with respect to the backing member which is contrary to the device of the present invention in which some knowledge of acupressure is necessary in order to adjust the positions of the pressure points in order to provide different therapeutic treatments.

As the citation teaches against providing adjustable or movable pressure points, the citation cannot support an inventive step objection. Reconsideration of the Opinion is respectfully requested.

Yours respectfully
CULLEN & CO.



REGAN GOURLEY
LH

Enc. Amended Page 6
Marked Up Copy of Page 6

The demand must be filed directly with the competent International Preliminary Examining Authority or, if two or more Authorities are competent, with the one chosen by the applicant. The full name or two-letter code of that Authority may be indicated by the applicant on the line below:

IPEA/ _____

PCT

CHAPTER II

DEMAND

under Article 31 of the Patent Cooperation Treaty:

The undersigned requests that the international application specified below be the subject of international preliminary examination according to the Patent Cooperation Treaty.

For International Preliminary Examining Authority use only

Identification of IPEA		Date of receipt of DEMAND	
Box No. I IDENTIFICATION OF THE INTERNATIONAL APPLICATION		Applicant's or agent's file reference 031215PC/GC/RG	
International application No. PCT/AU2004/001659	International filing date (day/month/year) 26 November 2004 (26/11/2004)	(Earliest) Priority date (day/month/year) 26 November 2003 (26/11/2003)	
Title of invention THERAPEUTIC FACIAL MASK			
Box No. II APPLICANT(S)			
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) ATQOL PTY LTD 8/8 Fortitude Crescent Burleigh Heads, Queensland, 4220 Australia		Telephone No.	
		Facsimile No.	
		Teleprinter No.	
		Applicant's registration No. with the Office	
State (that is, country) of nationality: AU		State (that is, country) of residence: AU	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.) WOODLEY, John Vivian 49 Thomas Drive Chevron Island, Queensland, 4217 Australia			
State (that is, country) of nationality: AU		State (that is, country) of residence: AU	
Name and address: (Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)			
State (that is, country) of nationality:		State (that is, country) of residence:	

☐ Further applicants are indicated on a continuation sheet

Box No. III AGENT OR COMMON REPRESENTATIVE; OR ADDRESS FOR CORRESPONDENCEThe following person is ☒ agent ☐ common representativeand ☒ has been appointed earlier and represents the applicant(s) also for international preliminary examination.☐ is hereby appointed and any earlier appointment of (an) agent(s)/common representative is hereby revoked.☐ is hereby appointed, specifically for the procedure before the International Preliminary Examining Authority, in addition to the agent(s)/common representative appointed earlier.Name and address: *(Family name followed by given name; for a legal entity, full official designation. The address must include postal code and name of country.)*CULLEN & CO.
Level 26
239 George Street
Brisbane, Queensland, 4000
Australia

Telephone No.

+61 7 3011 5555

Facsimile No.

+61 7 3229 3384

Teleprinter No.

Agent's registration No. with the Office

☐ Address for correspondence: Mark this check-box where no agent or common representative is/has been appointed and the space above is used instead to indicate a special address to which correspondence should be sent.**Box No. IV BASIS FOR INTERNATIONAL PRELIMINARY EXAMINATION****Statement concerning amendments:***

1. The applicant wishes the international preliminary examination to start on the basis of:

☐ the international application as originally filedthe description ☒ as originally filed☐ as amended under Article 34the claims ☐ as originally filed☒ as amended under Article 19 (together with any accompanying statement)☐ as amended under Article 34the drawings ☒ as originally filed☐ as amended under Article 342. ☐ The applicant wishes any amendment to the claims under Article 19 to be considered as reversed.3. ☐ Where the IPEA wishes to start the international preliminary examination at the same time as the international search in accordance with Rule 69.1(b), the applicant requests the IPEA to postpone the start of the international preliminary examination until the expiration of the applicable time limit under Rule 69.1(d).4. ☐ The applicant expressly wishes the international preliminary examination to start earlier than at the expiration of the applicable time limit under Rule 54bis.1(a).

* Where no check-box is marked, international preliminary examination will start on the basis of the international application as originally filed or, where a copy of amendments to the claims under Article 19 and/or amendments of the international application under Article 34 are received by the International Preliminary Examining Authority before it has begun to draw up a written opinion or the international preliminary examination report, as so amended.

Language for the purposes of international preliminary examination: English

☒ which is the language in which the international application was filed.☐ which is the language of a translation furnished for the purposes of international search.☐ which is the language of publication of the international application.☐ which is the language of the translation (to be) furnished for the purposes of international preliminary examination.**Box No. V ELECTION OF STATES**

The filing of this demand constitutes the election of all Contracting States which are designated and are bound by Chapter II of the PCT

Box No. VI CHECK LIST

The demand is accompanied by the following elements, in the language referred to in Box No. IV, for the purposes of international preliminary examination:

- | | | |
|--|---|--------|
| 1. translation of international application | : | sheets |
| 2. amendments under Article 34 | : | sheets |
| 3. copy (or, where required, translation) of amendments under Article 19 | : | sheets |
| 4. copy (or, where required, translation) of statement under Article 19 | : | sheets |
| 5. letter | : | sheets |
| 6. other (specify) | : | sheets |

For International Preliminary Examining Authority use only

received not received

<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/>	<input type="checkbox"/>

The demand is also accompanied by the item(s) marked below:

- | | |
|--|---|
| 1. <input checked="" type="checkbox"/> fee calculation sheet | 5. <input type="checkbox"/> statement explaining lack of signature |
| 2. <input type="checkbox"/> original separate power of attorney | 6. <input type="checkbox"/> sequence listing in electronic form |
| 3. <input type="checkbox"/> original general power of attorney | 7. <input type="checkbox"/> tables in electronic form related to a sequence listing |
| 4. <input type="checkbox"/> copy of general power of attorney; reference number, if any: | 8. <input type="checkbox"/> other (specify): |

Box No. VII SIGNATURE OF APPLICANT, AGENT OR COMMON REPRESENTATIVE

Next to each signature, indicate the name of the person signing and the capacity in which the person signs (if such capacity is not obvious from reading the demand).


REGAN GOURLEY
Patent Attorney

For International Preliminary Examining Authority use only

1. Date of actual receipt of DEMAND:

2. Adjusted date of receipt of demand due to CORRECTIONS under Rule 60.1(b):

3. ☐ The date of receipt of the demand is AFTER the expiration of 19 months from the priority date and item 4 or 5, below, does not apply.

☐ The applicant has been informed accordingly.

4. ☐ The date of receipt of the demand is WITHIN the time limit of 19 months from the priority date as extended by virtue of Rule 80.5.

5. ☐ Although the date of receipt of the demand is after the expiration of 19 months from the priority date, the delay in arrival is EXCUSED pursuant to Rule 82.

6. ☐ The date of receipt of the demand is AFTER the expiration of the time limit under Rule 54bis.1(a) and item 7 or 8, below, does not apply.

7. ☐ The date of receipt of the demand is WITHIN the time limit under Rule 54bis.1(a) as extended by virtue of Rule 80.5.

8. ☐ Although the date of receipt of the demand is after the expiration of the time limit under Rule 54bis.1(a), the delay in arrival is EXCUSED pursuant to Rule 82.

For International Bureau use only

Demand received from IPEA on:

PCT

FEE CALCULATION SHEET

Annex to the Demand

International application No. PCT/AU2004/001659	For International Preliminary Examining Authority use only	
Applicant's or agent's file reference 031215PC/GC/RG	Date stamp of the IPEA	
Applicant ATQOL PTY LTD		
CALCULATION OF PRESCRIBED FEES		
1. Preliminary examination fee	\$550.00	<div style="border: 1px solid black; width: 20px; height: 15px; display: inline-block; line-height: 15px;">P</div>
2. Handling fee (<i>Applicants from certain States are entitled to a reduction of 75% of the handling fee. Where the applicant is (or all applicants are) so entitled, the amount to be entered at H is 25% of the handling fee.</i>)	\$218.00	<div style="border: 1px solid black; width: 20px; height: 15px; display: inline-block; line-height: 15px;">H</div>
3. Total of prescribed fees Add the amounts entered at P and H and enter total in the TOTAL box	<div style="border: 1px solid black; width: 150px; height: 30px; display: inline-block; text-align: center; vertical-align: middle;"> \$768.00 </div>	
<div style="border: 1px solid black; width: 100px; margin: 0 auto; padding: 2px 5px;">TOTAL</div>		
MODE OF PAYMENT		
<input type="checkbox"/> authorization to charge deposit account with the IPEA (see below)	<input type="checkbox"/> cash	
<input type="checkbox"/> cheque	<input type="checkbox"/> revenue stamps	
<input type="checkbox"/> postal money order	<input type="checkbox"/> coupons	
<input type="checkbox"/> bank draft	<input checked="" type="checkbox"/> other (specify): credit card	
AUTHORIZATION TO CHARGE (OR CREDIT) DEPOSIT ACCOUNT <i>(This mode of payment may not be available at all IPEAs)</i>		
<input type="checkbox"/> Authorization to charge the total fees indicated above.	IPEA/ _____	
<input type="checkbox"/> <i>(This check-box may be marked only if the conditions for deposit accounts of the IPEA so permit)</i> Authorization to charge any deficiency or credit any overpayment in the total fees indicated above.	Deposit Account No.: _____	
	Date: _____	
	Name: _____	
	Signature: _____	

Claims:

1. A therapeutic beauty mask comprising
 - (a) a mask body,
 - (b) means for attaching and securing the body to cover at least a
5 portion of a person's face,
 - (c) a plurality of passive pressure points extending from an undersurface of the mask body, said pressure points being adapted or adjustable to coincide with known acupressure points of the human face.
2. A mask as claimed in claim 1 wherein the mask covers eye and nose
10 regions of the person's face.
3. A mask as claimed in claim 1 wherein the mask body is moulded.
4. A mask according to claim 1 wherein the pressure points include a hemispherical or curved outer surface to contact the face when the mask is in position.
5. A mask as claimed in claim 4 wherein the mask body is provided with
15 a plurality of groups of apertures, each group located in the mask at a location corresponding to local acupressure areas of the face, such that when in position, the groups of apertures in the mask overlie local acupressure areas of the face.
6. A mask as claimed in claim 5 wherein the pressure points include a
20 mounting portion extending from the rear of the hemispherical or curved outer surface to facilitate mounting of the knobs on the mask
7. A mask as claimed in claim 1 wherein the body is moulded in a resilient material.
8. A mask according to claim 1 wherein the pressure points are removably attachable to the mask.
- 25 9. A mask as claimed in claim 1 wherein the body is moulded with eye apertures and has a shaped nose portion.
10. A mask as claimed in any one of claims 1 to 5 wherein the pressure points are in clusters coinciding with selected positions on the forehead and cheek bones of the human face.